

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5176 of 2015 (O&M)
Date of Order:01.08.2018

M/s B.K.Enterprises

..Petitioner

Versus

Ram Murti and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay S.Kajla, Advocate, for
Mr. Kulwant Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

C.M.No.16475-CII of 2015

Prayer in this application is for condonation of delay of 55 days
in filing the civil revision.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 55 days in filing the revision petition is condoned.

Application is allowed.

MAIN

Tenant-petitioner is in the revision petition against the order
passed by the learned Rent Controller dismissing the application under
Order 9 Rule 13 of the Code of Civil Procedure for setting aside the ex-
parte eviction order dated 18.12.2005.

Rent petition was filed on 30.01.2005. Summons were sent. It
was reported by the process server of the Court that the rented premises is

lying locked. One of the ground on which ejectment was sought that the tenant has ceased to occupy the tenanted premises. Learned Rent Controller ordered service of notice through publication, which was published in the local newspaper "The Tribune" Chandigarh. However, still no one appeared on behalf of the tenant-petitioner. An ex-parte proceeding were taken against the tenant-petitioner on 04.04.2005. Thereafter, an ex-parte decree of eviction was passed on 08.12.2005. Even thereafter the tenant-petitioner did not take any step to move an application for setting aside the order or the ex-parte decree.

Through the process of Court after great struggle the landlord was able to take possession on 02.06.2006. Thereafter, petitioner-tenant filed an application in the month of September, 2006 for setting aside an ex-parte decree. It has come in evidence that electric connection was disconnected on 05.04.2000. The learned Rent Controller after considering all these aspects have dismissed the application.

Learned counsel for the tenant-petitioner has submitted that the respondent-landlord was also in knowledge of an alternative address and efforts should have been made to serve the tenant on that address.

It is not in dispute that the tenanted premises was Shed No.22, MW, Industrial Area, Phase-I, Chandigarh, the address given in the rent petition. Process server when went to the tenanted premises it was found locked for quite some time and no one was present. Still further even when the possession was taken over by the landlord in execution of the decree for eviction, still tenant did not immediately swing into action.

Keeping in view the aforesaid facts, this court is of the considered opinion that this application is abuse of the process of law.

The revision petition is dismissed with costs of Rs.50,000/-.

August, 01, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No